

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELIZABETH VAN DUYNE, *et al.*,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL
AND PREVENTION, *et al.*,

Defendants.

Civil Action No. 4:22-cv-00122-O

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the attached order entered in *Wall v. Centers for Disease Control & Prevention*, No. 6:21-cv-975 (M.D. Fla. Apr. 29, 2022) (“*Wall Order*”). The plaintiff in that case, like Plaintiffs here, sued to challenge the CDC’s transportation mask order. The *Wall Order* granted summary judgment to the federal defendants. As relevant here, the court concluded that (1) the mask order falls within CDC’s statutory authority under the Public Health Service Act, *Wall Order* at 7–24, and (2) a claim invoking the nondelegation doctrine “clearly lack[s] merit,” *id.* at 6 & n.6.

* * *

Dated: April 29, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

CHAD E. MEACHAM
Acting United States Attorney

ERIC B. BECKENHAUER
Assistant Branch Director

By: /s/ Stephen M. Pezzi
STEPHEN M. PEZZI (D.C. Bar No. 995500)
MICHAEL J. GERARDI
ANDREW F. FREIDAH
JOHNNY H. WALKER
Trial Attorneys
United States Department of Justice
Civil Division
Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Telephone: 202-305-8576
Email: stephen.pezzi@usdoj.gov

Counsel for Defendants